

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed June 24, 2005. Applicants respectfully request reconsideration and favorable action in this case in view of the following remarks.

Section 112, ¶1 Rejections

The Office Action rejects Claims 1-6, 9-16, 19-26, 29 and 30 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The Examiner alleges that the claim(s) contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicants respectfully traverse these rejections for the reasons stated below.

Applicants submit that the disclosure contains sufficient information regarding the subject matter of Claims 1-6, 9-16, 19-26, 29 and 30 so as to enable one skilled in the pertinent art to make and use the claimed invention without undue experimentation, which is the standard for enablement. (See M.P.E.P. § 2164.01). The Examiner states at page 7 of the Office Action that certain steps are required “before the energy levels of payload signals of current packet and previous packet can be compared to determine whether to drop or play the packet.” “[A]n enablement rejection based on the grounds that a disclosed critical limitation should be made only when the language of the specification makes it clear that the limitation is critical for the invention to function as intended.” (M.P.E.P. § 2164.08(c)). Nowhere in Applicant’s disclosure does it state that any step or condition is “required” or “critical” to the claimed invention. In fact, the steps indicated by the Examiner at page 7 of the Office Action are evidence that one skilled in the relevant art would be able to practice the invention without undue experimentation.

Thus, reconsideration and withdrawal of the Section 112, ¶1 rejections and allowance of all pending claims are respectfully requested.

CONCLUSIONS

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicants respectfully request full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

Applicants believe no fee is due. However, should there be a fee discrepancy, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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